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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS FILING RELATES TO:

ALL ACTIONS

MDL No. 3047

Civil Case No. 4:22-md-03047-YGR (PHK)

Honorable Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

**STIPULATION AND [PROPOSED]
ORDER AS MODIFIED REGARDING
FORMAT OF DISCOVERY
MANAGEMENT CONFERENCE
STATEMENTS**

STIPULATION

The Personal Injury (“PI”), School District and Local Government Entity (“SD”), and Attorney General (“AG”) Plaintiffs and Defendants hereby stipulate as follows:

1. In Discovery Management Order (“DMO”) 1 (ECF 503), the Court requested a Joint Status Report ahead of the first Discovery Management Conference (“DMC”), advising the Court as to: (1) the status of discovery; (2) the Parties’ progress in meeting discovery deadlines; (3) discovery disputes which are ripe for this Court’s resolution; (4) discovery issues which the Parties are still meeting and conferring on and which presently do not require Court action; and (5) any other issues or obstacles to discovery the Parties have encountered which would risk impacting the overall discovery schedule, including any issues related to discovery in Coordinated or Related Actions which risk impacting the orderly progress of discovery in this action.

2. In DMO 2 (ECF 606), the Court further ordered the Parties to “include reporting to the Court on the progress of document productions and whether the Parties appear on track to meet [the] substantial completion deadline.” In Case Management Order 7 (ECF 1159), the Court set a November 5, 2024, deadline for the substantial completion of document productions in response to Plaintiffs’ Requests for Production of Documents (“RFPs”).

3. The Parties have been submitting DMC Statements in accordance with the Court's prior Orders to date, including detailed updates under headings styled (I) Status of Discovery and Parties' Progress in Meeting Discovery Deadlines; (II) Ripe Discovery Disputes; and (III) Discovery Issues that Do Not Currently Require Court Action. Under this format, the most recent (October) DMC Statement reached 68 pages in length (not including the Appendix).

4. As the Parties move into the deposition phase of these proceedings, the Parties have agreed, with the Court's permission, that it would be beneficial to all Parties and the Court, and would preserve judicial and Party resources, to streamline DMC Statements going forward.

5. To that end, the Parties have agreed, pending the Court’s consent, to submit all briefing on ripe disputes in accordance with the joint letter-brief process set forth in Section H of the Court’s Standing Order for Civil (eff. June 1, 2023), and to no longer submit any briefing on ripe disputes in the DMC

1 Statement itself. The Parties have been working cooperatively and, they submit, effectively to present
 2 ripe disputes to Your Honor through the joint letter-brief process, and would continue to do so for future
 3 ripe disputes.
 4

5 6. The Parties have further agreed, pending the Court's consent, to focus the DMC Statements
 6 going forward such that they consist of an agenda that would present, in no more than one bullet per item:
 7
 8 (I) a list of any jointly agreed administrative items for discussion at the next DMC, such as stipulated
 9 requests to extend particular deadlines; and (II) a list of discovery disputes that will be ripe for hearing at
 10 the next DMC or at any hearing set by this Court, with citations to the docket entries corresponding to the
 11 joint letter-brief that presents each dispute. The Parties have agreed, pending the Court's consent, to no
 12 longer include summaries of all unripe disputes in the DMC Statement or elsewhere, but shall include a
 13 bullet point list of unripe disputes.

14 7. The Parties submit that this approach is consistent with recent guidance from Judge
 15 Gonzalez Rogers at the October 25, 2024 Case Management Conference ("CMC"), where she ordered the
 16 Parties to "abbreviate future case management statements"¹ based on feedback she recently received at an
 17 annual MDL conference:

18
 19
 20
 21 I understand from your MDL colleagues that, in general, the process [of
 22 drafting joint statements] is a disaster. That everybody wants to say their
 23 peace [sic], that people want to relitigate, that it takes hours and hours and
 24 hours to do. ... All I'm really looking for is an agenda, the basic outline
 25 of what it is you need to discuss, so that I can discuss it with you, not so
 26 that I can read it. ... I don't want argument, I don't want statements, I just
 27 want the list so that I can figure out what's the most important thing to talk
 28 about. ... That's the point of the statements, to give me the list of basic
 issues.

10/25/24 CMC Tr. at 8:20-10:22.

21 8. Thus, in CMO 18, Judge Gonzalez Rogers ordered each CMC Statement going forward be
 22 organized as follows:

23
 24 • Page 1: Agenda for the day.
 25
 26 • Page 2: Update on JCCP and discovery proceedings.

27 ¹ Case Management Order ("CMO") 18 (ECF 1290) at 1.

1 • The parties may have no more than 10 additional pages (5 each side) to
 2 address issues and raise topics to be considered during the conference. The
 3 Court emphasizes that substantive argument is often unnecessary, and a
 4 brief statement of position (i.e., a few sentences) is typically sufficient as
 to a given issue.

5 9. In light of the above, the Parties jointly request entry of below [Proposed] Order, so-
 6 ordering their agreed streamlined approach to DMC Statements going forward.

7

8 **[PROPOSED] ORDER**

9 10. In accordance with the Parties' stipulated agreement, the Court hereby ORDERS the
 10 Parties going forward to present all ripe discovery disputes in accordance with the joint letter-brief process
 11 set forth in Section H of the Court's Standing Order for Civil (eff. June 1, 2023).

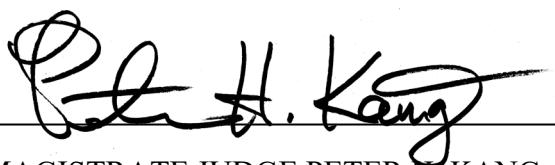
12 11. The Court further ORDERS the Parties going forward to limit their DMC Statements
 13 submitted 7 days in advance of DMCs to (a) an agenda that would present, in no more than one bullet per
 14 item: (I) a list of any jointly agreed administrative items for discussion at the next DMC, such as stipulated
 15 requests to extend particular deadlines; and (II) a list of discovery disputes that will be ripe for hearing at
 16 the next DMC **or at any hearing set by this Court**, with citations to the docket entries corresponding to the
 17 joint letter-brief that presents each dispute; and (b) concise reports on items specifically requested by the
 18 Court in DMOs.

19 12. The Court further ORDERS that the Parties' DMC Statements shall **no longer only** include
 20 a list **or summary** of unripe disputes.

21

22 **IT IS SO ORDERED.**

23 Dated: November 13, 2024



MAGISTRATE JUDGE PETER H. KANG

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1 Respectfully submitted,

2 DATED: November 13, 2024

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I, Ashley M. Simonsen, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence
to the filing of this document has been obtained from each signatory hereto.

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6 Dated: November 13, 2024
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